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## INGRASSIA FISHER &amp; LORENZ, P.C.

JUL 23 2004

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OFFICIAL

## FACSIMILE TRANSMITTAL SHEET

TO:	FROM:  Cindy H. Kwacala (Reg. No. 47,667)
COMPANY: USPTO	DATE: JULY 23, 2004
FAX NUMBER: 703-872-9306	TOTAL NO. OF PAGES INCLUDING COVER: 7
PHONE NUMBER:	SENDER'S REFERENCE NUMBER: H0006062-1065
RE:	REFERENCE NUMBER: 10/80X996
NOTES/COMMENTS:	

**FORMAL COMMUNICATION**  
**INTENDED FOR ENTRY**

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Appl. No. 10/806,996  
Petition to Accord Filing Date

JUL 23 2004

UTILITY PATENT

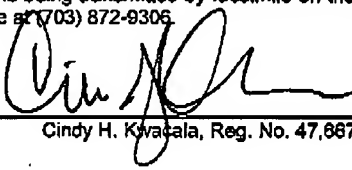
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**OFFICIAL**

In re application of:	Welton E. White	Group Art Unit:	3746
Serial No.:	10/806,996	Examiner:	Unknown
Filed:	March 22, 2004	Confirmation No.:	2355

For: IMPELLER CLEARANCE TOOL AND METHOD FOR USING SAME

Docket No.: H0006062 - 1065

<b>CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)</b>	
I hereby certify that this correspondence is being transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.	
on <u>7/23/04</u>	Signature: <u></u>
	Cindy H. Kivakala, Reg. No. 47,667

**PETITION TO ACCORD FILING DATE**

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant hereby petitions the Commissioner, pursuant to 37 C.F.R. § 1.10(c), to accord a filing date to correspondence as of the date the correspondence was deposited with the U.S. Postal Service (USPS). Additionally, the Applicant petitions the Commission to accord a title that had been originally submitted.

Appl. No. 10/806,996  
Petition to Accord Filing Date

I. Filing Date

With regard to the filing date, each requirement of 37 C.F.R. § 1.10(c), as delineated below, is set forth herein.

A. 37 C.F.R. 1.10(c)(1)

Applicant filed a first submission of items concerning a filing under 37 CFR § 1.53(b), on March 22, 2004. The submission was filed via Express Mail, as set forth in 37 C.F.R. § 1.1(a). Subsequent to this filing, and specifically on June 4, 2004, a Filing Receipt was issued by the U.S. Patent and Trademark Office (USPTO) in the above-referenced application.

On or about July 7, 2004, Applicant, in reviewing the Filing Receipt, noticed that an incorrect filing date had been assigned to the above-referenced application.

Applicant's representative is filing this petition on July 23, 2004, which is less than twenty (20) days after becoming aware that the USPTO has assigned an incorrect filing date to the above-referenced application. Thus, it is submitted that this petition is being promptly filed after Applicant first became aware that the USPTO had no evidence of receipt of the correspondence. It is further submitted that this meets the requirements of 37 C.F.R. § 1.10(c)(1).

B. 37 C.F.R. 1.10(c)(2)

Applicant submits that the number of the Express Mail mailing label (i.e., ER207412704US) was placed on the papers that constitute the correspondence prior to the original mailing by Express Mail. A copy of the correspondence, as indicated in the following section, is attached as Exhibits A and B.

Appl. No. 10/806,996  
Petition to Accord Filing Date

C. 37 C.F.R. 1.10(c)(3)

A copy of the Utility Patent Application Transmittal that was filed on March 22, 2004, is attached as Exhibit A. As is clearly shown on this paper, the number of the Express Mail mailing label was placed thereon before mailing.

A copy of the Express Mail mailing label showing the "date in" is also attached hereto as Exhibit B. As shown thereon, the "date in" on the Express Mail mailing label indicates 3-22-04 (i.e., March 22, 2004).

Accordingly, Applicant respectfully requests that this petition be granted and that the Commissioner accord the above-referenced application a filing date of March 22, 2004.

Appl. No. 10/806,996  
Petition to Accord Filing Date

CONCLUSION

In view of Applicant's remarks, it is respectfully requested that the USPTO incorporate the aforementioned corrections to the Filing Receipt. Should any questions arise, Applicant requests that the inquiries be directed to the Applicant's attorneys at the phone number below.

If for some reason Applicant has not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent abandonment on this application, please consider this as a request for an extension for the required time period and/or authorization to charge Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,

INGRASSIA FISHER & LORENZ

Dated: 7/23, 2004

By: 

Cindy H. Kwacala  
Reg. No. 47,667  
(480) 385-5060

EXHIBIT A

<b>UTILITY PATENT APPLICATION TRANSMITTAL</b>	Attorney Docket No. H0006062-106
(New Nonprovisional Applications Under 37 CFR § 1.53(b))	

## TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Transmitted herewith is the patent application of ( ) application identifier or (X) first named inventor, Welton E. White, entitled for a(n):

## IMPELLER CLEARANCE TOOL AND METHOD FOR USING SAME

(X) Original Patent Application.

0 Continuing Application (prior application not abandoned):

( ) Continuation ( ) Divisional ( ) Continuation-in-part (CIP)

of prior application No: \_\_\_\_\_ Filed on: \_\_\_\_\_

( ) A statement claiming priority under 35 USC § 120 has been added to the specification.

## Enclosed are:

(X) Specification: 11 Total Pages.

(X) Claims: 5 Total Pages.

(X) Abstract: 1 Total Pages.

(X) Formal Drawing(s): 5 Total Sheets.

( ) Informal Drawing(s): [No of Sheets] Total Sheets.

(X) Oath or Declaration:

(X) A Newly Executed Combined Declaration and Power of Attorney:

(X) Signed. ( ) Unsigned. ( ) Partially Signed.

( ) A Copy from a Prior Application for Continuation/Divisional (37 CFR § 1.63(d)).

( ) Incorporation by Reference. The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated herein by reference.

( ) Signed Statement Deleting Inventor(s) Named in the Prior Application. (37 CFR § 163(d)(2)).

( ) Power of Attorney.

( ) Associate Power of Attorney.

(X) A Check #2885 in the amount of \$846.00 for the Fees associated with this filing.

( ) Preliminary Amendment.

( ) A Duplicate Copy of this Form for Processing Fee Against Deposit Account.

( ) A Certified Copy of Priority Documents (if foreign priority is claimed).

(X) Information Disclosure Statement, Form PTO/SB/08A.

(X) Return Receipt Postcard.

(X) Assignment and Recordation Cover Sheet.

( ) Other: \_\_\_\_\_

CLAIMS AS FILED				
FOR	NO. FILED	NO. EXTRA	RATE	FEE
Total Claims	22	2	\$18.00	\$36.00
Independent Claims	3	-	\$86.00	
Multiple Dependent Claims (if applicable)				
Assignment Recording Fee				\$40.00
Basic Filing Fee				\$770.00
Total Filing Fee				\$846.00

Pursuant to 37 CFR § 1.25, please charge any National Application Filing Fees set forth in 37 C.F.R. § 1.16 or the Assignment Recording Fee set forth in 37 C.F.R. § 1.21(h) or credit any overpayment to Ingrassia Fisher & Lorenz, P.C., Deposit Account No. 50-2091.

Respectfully submitted,

By: \_\_\_\_\_

Cindy H. Kwakala  
Reg. No. 47,667



Date: 3/22/04

## Correspondence Address:

CUSTOMER NO. 000128  
HONEYWELL INTERNATIONAL, INC.  
Law Dept. AB2  
P.O. Box 2245  
Morristown, NJ 07962-9806  
Phone: 602.365.4877  
Fax: 602.365.2490

Express Mail Label No.: ER207412704US

## EXHIBIT B

 <b>ER 207412704 US</b>		 <b>EXPRESS MAIL</b> UNITED STATES POSTAL SERVICE®		<b>Customer Copy</b> Label 7-B September 2002	
				<b>Post Office To Addressee</b>	
<b>ORIGIN (POSTAL USE ONLY)</b>					
PO ZIP Code <b>85044</b>	Day of Delivery <input type="checkbox"/> Next <input checked="" type="checkbox"/> Second	Flat Rate Envelope <input checked="" type="checkbox"/>			
Date In <b>3-22-04</b>	Time <input type="checkbox"/> 10 Noon <input type="checkbox"/> 2 PM	Postage <b>\$ 3.65</b>			
Time to <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM	Military <input type="checkbox"/> 1st Day <input type="checkbox"/> 2nd Day	Return Receipt Fee			
Weight <b>7.6</b> oz.	INT Alpha Country Code	ODD Fee <b>\$</b>	Insurance Fee		
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials <b>[Signature]</b>	Total Postage & Fees <b>\$ 3.65</b>			
<b>FROM: PLEASE PRINT</b> PHONE ( <b>480</b> ) <b>385-5060</b> <b>INGRASSIA FISHER &amp; LORENZ, P.C.</b> <b>BY: Cindy H. Kwacala</b> <b>RE: H0005062-1065 / White</b> <b>7150 E. CAMELBACK ROAD, SUITE 325</b> <b>SCOTTSDALE, AZ 85251-1225</b> <b>002.3087</b>					
<b>FOR PICKUP OR TRACKING CALL 1-800-222-1811</b> <b>www.usps.com</b> 					
<b>DELIVERY (POSTAL USE ONLY)</b>					
Delivery Attempt	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature			
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<b>CUSTOMER USE ONLY</b>					
PAYMENT BY ACCOUNT Express Mail Corporate Acct. No. <input type="checkbox"/>					
Federal Agency Acct. No. or Postal Service Acct. No.					
<input type="checkbox"/> NO DELIVERY <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday					
<b>TO: PLEASE PRINT</b> PHONE ( ) <b>MAIL STOP Patent Application</b> <b>COMMISSIONER FOR PATENTS</b> <b>P.O. BOX 1450</b> <b>ALEXANDRIA, VA</b>					
ZIP + 4 <div style="display: flex; justify-content: space-around;"> <span>2</span><span>2</span><span>3</span><span>1</span><span>8</span> <span>+</span> <span>1</span><span>4</span><span>5</span><span>0</span> </div>					